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EXAMINER

PHAN, HUY Q

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/839,972

Applicant(s)

BODNAR ET AL.

Examiner

Huy Q. Phan

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-36,41-49,54-57 and 59-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-36,41-49,54-57 and 59-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/30/2006 has been entered.

Response to Amendment

3. This Office Action is in response to Amendment filed on date: 03/30/2006.
Claims 33-36, 41-49, 54-57 and 59-71 are still pending.

Response to Arguments

4. Applicant's arguments filed 03/30/2006 have been fully considered but they are not persuasive.

In response to Applicant's arguments with regard to the rejection of claim 33, applicants stated that "The portion of Anderson pointed to by the Examiner, column 4,

lines 47-67 do not discuss associating digital images with a cellular phone device. Rather, it notes that a camera may be provided with or connected to a cellular device" (see REMARKS, page 11). The examiner respectfully disagrees. Anderson teaches that "the camera 14 could be provided with built-in cellphone-like wireless communication... for Internet connectivity" (see col. 4, lines 52-56). Consequently, the camera and cell phone wireless communication part are integrated into one device thus having one unique ID information. Therefore, when Anderson's device connects to the website, the website associates the digital images to the specific user account according to the cell phone/camera's unique ID.

With all the reasons stated above, the rejection is deemed proper and still stands.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 61 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 61 recites the limitation "the user-operated device" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 33-36, 41-49, 54-57 and 59-62 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson (US-6,636,259).

Regarding claim 33, Anderson discloses a system (fig. 1 and description) facilitating uploading of digital images from a digital camera (fig. 1, "digital camera 14"), the system comprising:

a digital camera ("digital camera 14", col. 3 lines 27-30) for capturing digital images (col. 3, lines 40-49);

a Web site (fig. 1, website 22) for hosting said digital images captured by the digital camera (col. 3, lines 32-49);

a transport mechanism (described as "the camera 14 could be provided with built-in cellphone-like wireless communication... for Internet connectivity", see col. 4, lines 52-56) for uploading the digital images from the digital camera to a user account (fig. 1, user account 40) at the Web site (described as "when the cameras 14 connect to the Internet, the cameras 14 automatically upload their images to the photo-sharing website of the corresponding entity", see col. 3, lines 32-49), said user account being pre-provisioned for the digital camera (col. 3, line 50-col. 4, line 30);

a module (OS 70, see fig. 3 and its description) for automatically associating the digital images uploaded to the Web site with the pre-provisioned user account (col. 3, lines 40-49) and thereafter providing on-line access to the digital images (col. 4, lines 31-45), without requiring a user to manually set up the user account ("automatically"; col. 4, lines 25-30; for more details see fig. 1, and its description) and;

a provisioning information module ("the camera with software", col. 4, lines 9-30, also see fig. 3 and its description) that generates a unique device ID ("create entity-specific cameras 14", col. 3, lines 40-49) that is used by an accounting management module (OS 70, see fig. 3 and its description) for associating the digital images with a particular cellular phone device (described as "the camera 14 could be provided with built-in cellphone-like wireless communication... for Internet connectivity", see col. 4, lines 52-56) used by the digital camera to upload digital images (described as "when the cameras 14 connect to the Internet, the cameras 14 automatically upload their images to the photo-sharing website of the corresponding entity", see col. 3, lines 32-49).

Regarding claim 34, Anderson discloses the system of claim 33, wherein said digital camera employs a cellular phone for wirelessly uploading the digital images (col. 4, lines 52-56 and col. 3, lines 40-45).

Regarding claim 35, Anderson discloses the system of claim 34, wherein said digital camera and said cellular phone are selectively coupled to one another (col. 4, lines 47-56).

Regarding claim 36, Anderson discloses the system of claim 33, wherein a unique device ID associated with the digital camera is used for associating the digital images with the user account ("entity IDs 28 from each camera 14 and matches...the identified user", col. 4, lines 10-30; also see abstract and for more details see figs. 2-4 and their descriptions).

Regarding claim 41, Anderson discloses the system of claim 33, wherein said Web site receives digital images as they are uploaded (col. 3, lines 32-49).

Regarding claim 42, Anderson discloses the system of claim 33, wherein said Web site continues to store digital images that are uploaded for some period of time (col. 11, line 20-col. 12, line 61).

Regarding claim 43, Anderson discloses the system of claim 33, wherein said Web site provides on-line access to the digital images (col. 4, lines 31-38).

Regarding claim 44, Anderson discloses the system of claim 33, wherein said digital camera includes connectivity to a cellular phone, for uploading digital images (col. 4, lines 52-56 and col. 3, lines 40-45).

Regarding claim 45, Anderson discloses the system of claim 33, wherein said

digital camera include wireless communication capability (col. 4, lines 52-56 and col. 3, lines 40-45).

Regarding claim 46, Anderson discloses the system of claim 33, wherein said transport mechanism comprises a wireless communication network (col. 4, lines 47-67).

Regarding claim 47, Anderson discloses the system of claim 33, further comprising: a database (fig. 1, gateway server 18) at the Web site for maintaining the uploaded digital images along with an associated unique device ID for the images (fig. 1 and description).

Regarding claim 48, Anderson discloses the system of claim 33, further comprising: a module allowing a user to specify a user name and password for the user account that has been pre-provisioned (col. 2, lines 48-49).

Regarding claim 49, Anderson discloses the system of claim 33, wherein online access to the digital images is predicated upon user input of a valid user name and password (col. 11, lines 20-27).

Regarding claim 54, Anderson discloses an apparatus for automating activation of a user account associated with a user-operated device (col. 3, lines 25-47), the method comprising:

a Web site (fig. 1, website 22) to host user data transferred by the user-operated device (col. 3, lines 25-49);

a transport mechanism (described as "the camera 14 could be provided with built-in cellphone-like wireless communication... for Internet connectivity", see col. 4, lines 52-56) to enable uploading of the user data from the user-operated device to a user account (fig. 1, user account 40) at the Web site (described as "when the cameras 14 connect to the Internet, the cameras 14 automatically upload their images to the photo-sharing website of the corresponding entity", see col. 3, lines 32-49), the user account being pre-provisioned for the user-operated device (col. 3, line 50-col. 4, line 30);

a module for automatically associating the user data uploaded to the Web site (col. 3, lines 40-49) with the pre-provisioned user account based on a unique device ID of the transport mechanism ("the camera 14 could be provided with built-in cellphone-like wireless communication... for Internet connectivity" (see col. 4, lines 52-56).

Consequently, the camera and cell phone wireless communication part are integrated into one device thus having one unique ID information), and thereafter providing on-line access to the user data (col. 4, lines 31-45), such that the user need not manually establish the user account at the Web site (col. 3, lines 32-49); and

a buffer to temporarily store the user data prior to determining the user account associated with the unique device ID (col. 11, lines 51-63).

Regarding claim 55, Anderson discloses the apparatus of claim 54, wherein the user-operated device is selected from among the following: a digital camera, a cellular telephone, a cellular telephone periodically coupled to a digital camera, and a cellular telephone including a digital camera (col. 4, lines 47-67).

Regarding claim 56, Anderson discloses the apparatus of claim 54, wherein the transport mechanism has a unique device ID ("the camera 14 could be provided with built-in cellphone-like wireless communication... for Internet connectivity" (see col. 4, lines 52-56). Consequently, the camera and cell phone wireless communication part are integrated into one device thus having one unique ID information) that is used for associating the user-operated device with the user account that has been pre-provisioned for the user data (fig. 1 and its description).

Regarding claim 57, Anderson discloses the apparatus of claim 54, further comprising: a provisioning information module ("the camera with software", col. 4, lines 9-30, also see fig. 3 and its description) to generate a unique device ID ("create entity-specific cameras 14", col. 3, lines 40-49) that is used by an accounting management module (OS 70, see fig. 3 and its description) for associating the user-operated device with the user account (fig. 1 and its description).

Regarding claim 59, Anderson discloses the apparatus of claim 54, further comprising: a database (fig. 1, gateway server 18) at the Web site for maintaining the

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uploaded user data along with an associated unique device ID for the images (fig. 1 and description).

Regarding claim 60, Anderson discloses the apparatus of claim 54, further comprising: a security module to allow a user to specify a user name and password for the user account that has been pre-provisioned (col. 2, lines 35-58).

Regarding claim 61, Anderson discloses a system (fig. 1) to enable automatic provisioning of a new user account ("a first time connection", see col. 2, lines 35-54) comprising:

a receiving logic to receive data from a peripheral device (described as "the camera 14 could be provided with built-in cellphone-like wireless communication... for Internet connectivity", see col. 4, lines 52-56), coupled to a digital camera ("digital camera 14", col. 3 lines 27-30), having a unique device ID ("the camera 14 could be provided with built-in cellphone-like wireless communication... for Internet connectivity" (see col. 4, lines 52-56). Consequently, the camera and cell phone wireless communication part are integrated into one device thus having one unique ID information), the data destined for storage on a repository on the system (fig. 1 and its description);

an account management module (OS 70, see fig. 3 and its description) to automatically establish a user account ("create entity-specific cameras 14", col. 3, lines

40-49), including creating a user identifier (ID) based, at least in part, on said unique device ID assigned to the user-operated device (fig. 1 and description);

a media gateway (fig. 1, gateway 18) to associate the data with said user ID (col. 4, lines 25-30; also see fig. 1 and its description);

such that an account (fig. 1, user account 40) is automatically created for the owner of the peripheral device (col. 3, lines 50-col. 4; see fig. 1 and description), without requiring the user to first set up a user account (fig. 1 and its description), or requiring any additional information to be stored on the peripheral device (see col. 2, lines 35-58; for more details see cols. 3-5).

Regarding claim 62, Anderson discloses the system of claim 54, further comprising: the media gateway (fig. 1, gateway 18) to query the peripheral device for the unique device ID in response to receiving the data (col. 4, lines 25-30; also see fig. 1 and its description).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 63-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Link II (US-2002/0164977).

Regarding claim 63, Anderson discloses a method (fig. 1 and its description) facilitating uploading of user data from a user-operated device (digital camera 14, see fig. 3 and its description), the method comprising:

receiving a transfer request (described as "when the cameras 14 connect to the Internet, the cameras 14 automatically upload their images to the photo-sharing website of the corresponding entity", see col. 3, lines 32-49) from a cellular phone (described as "the camera 14 could be provided with built-in cellphone-like wireless communication... for Internet connectivity", see col. 4, lines 52-56) having a unique device ID (Consequently, the camera and cell phone wireless communication part are integrated into one device thus having one unique ID information), to transfer data to a Web site (fig. 1, website 22) from the user-operated device (col. 3, lines 40-49);

determining if there is a user account associated with the unique device ID (col. 11, lines 20-60), and if so, associating the user data with the user account (col. 7, lines 13-20); and

if there is no user account ("none are found", see col. 2, lines 35-54) associated with the unique device ID, establishing a user account automatically at the particular Web site, including creating a user identifier (ID) based, at least in part, on said unique device ID (col. 2, lines 35-50).

Anderson further discloses that "The server then sends user account information to the device, including an account ID and password. The user account information is

then stored on electronic device for use the next time the electronic device accesses the website, whereby the user does not have to enter account information in order to establish the ISP connection or the website account before accessing the public network" (col. 2, lines 58-54). But, Anderson does not particularly disclose upon a first user request for data from the website, receiving the entry of a user defined login and password for providing access to data on the website, and associating the user defined login and password with the user account. However, Link II teaches upon a first user request for data from the website, receiving the entry of a user defined login and password for providing access to data on the website, and associating the user defined login and password with the user account [0057]; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Anderson as taught by Link II for purpose of allowing only authorized user to access the user account.

Regarding claim 64, Anderson and Link II disclose the method of claim 63. Anderson further discloses wherein the user-operated device is selected from among the following: a digital camera, a cellular telephone, a cellular telephone periodically coupled to a digital camera, and a cellular telephone including a digital camera (col. 4, lines 47-67).

Regarding claim 65, Anderson and Link II disclose the method of claim 63. Anderson further discloses wherein establishing the user account occurs upon receiving

a first transfer request from the user-operated device ("a first time connection", see col. 2, lines 35-54).

Regarding claim 66, Anderson and Link II disclose the method of claim 63. Anderson further discloses wherein establishing the user account occurs prior to first operation of the user-operated device ("none are found", see col. 2, lines 35-54).

Regarding claim 67, Anderson and Link II disclose the method of claim 63. Anderson further discloses wherein said user account is established using provisioning procedure to associate the user account with a unique device ID assigned to at least one of the user-operated device and the cellular phone (col. 4, lines 9-46; also see fig. 1 and its description).

Regarding claim 68, Anderson and Link II disclose the method of claim 63. Anderson further discloses determining whether at least one of the user-operated device or the cellular phone is an authorized device prior to storing the images on the Web site (col. 4, lines 9-46; also see fig. 1 and its description).

Regarding claim 69, Anderson and Link II disclose the method of claim 63. Anderson further discloses temporarily saving the user data in a buffered storage module until the user data is determined to be associated with a particular user account (col. 11, lines 56-67; for more details see cols. 11-13).

Regarding claim 70, Anderson and Link II disclose the method of claim 69. Anderson further discloses wherein said content temporarily saved in the buffered image storage module is transferred to an image storage-by-account module in an image repository after the content is determined to be associated with a particular user account (see cols. 11-13).

Regarding claim 71, Anderson and Link II disclose the method of claim 63. Anderson further discloses having a user account ticket, generated, at least in part, from the device ID ("your camera serial number is 38147" col. 11, lines 51-55), the user account ticket used for initially establishing the user account (see cols. 11-13).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Tanaka (US-6,919,923) discloses that "the telephone number identifying the digital still camera of the present invention when the first distinction unit 16 distinguishes the electromagnetic signals of a still image" (see specification).

b) Paul discloses that "The network (1017) can track the images (1012A) via the unique camera serial numbers and the preferences set by the customer (1100) at the time the camera is purchased" (see abstract).

c) Tanaka (US-2002/0082001) discloses that "Japanese Patent Application Publication No. 11-136612 discloses an electronic camera that is configured to associate photographed electronic image information with peculiar designated destination number information (ID number, telephone number or the like) that is a destination of transmission of the information and store both the electronic image information and the designated destination number information. With this electronic camera, a telephone number of a destination of transmission of an image is recorded together with recorded image data and the image is sent to the destination of transmission of the telephone number using some transmitting device" (see specification).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 571-272-7924. The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GEORGE ENG
SUPERVISORY PATENT EXAMINER

Examiner: Phan, Huy Q.

AU: 2617

Date: 04/12/2006